

**State of California
California Regional Water Quality Control Board
Santa Ana Region**

June 18, 2021

ITEM: 13

SUBJECT: Executive Officer's Report

1. Mid-Year Report on Human Right to Water Resolution R8-2019-0078

In December 2019, the Santa Ana Regional Water Quality Control Board (Santa Ana Water Board) adopted [Resolution R8-2019-0078](#), acknowledging the Human Right to Water as a core value. The Resolution directed staff to implement a 2-year Work Plan with specific tasks to ensure that the Santa Ana Water Board programs are equitably and consistently administered and are supportive of the Human Right to Water in all communities.

Staff performed Work Plan Tasks 1 through 7, identified for Year 1 (2020). The status and outcome of these efforts were reported to the Board in December 2020, thereby completing Task 8, the final task of Year 1.

Staff is currently performing Tasks 1 through 5, identified for Year 2 (2021). Task 6 requires this mid-year 2021 report of staff's implementation of the Work Plan. Tasks 7 and 8 will also be completed in 2021, as summarized below.

2021 – Task 1

Staff continues working on the following projects that were initiated in Year 1 (2020):

- Updating and evaluating maps with individual layers showing the proximity of regulated facilities, permitted cannabis operations, illegal cannabis grows, Site Cleanup projects, and impaired waterbodies within the Santa Ana Region. The maps also identify the locations of Tribes, Disadvantaged Communities and Environmental Justice Communities in the Santa Ana Region. Maps include locations of some (but not all) unsheltered communities and encampments in the Inland Empire area of the Region.
- Further interpretation of results from the Internal Program Assessment. Next step is to initiate public outreach and explore regulatory framework for protecting and ensuring the Human Right to Water.
- Ongoing collaboration with the Division of Drinking Water (DDW) staff to identify locations of impaired drinking water systems in Disadvantaged and Environmental Justice communities within the Santa Ana Region. Follow up on availability of funds in fiscal year 2021-2022 to support emergency response for repair of water systems after natural disasters. Ongoing review of impaired drinking water systems for inclusion on the Santa Ana Water Board's Supplemental Environmental Projects

(SEP) list and/or eligible for State grants under Proposition 1 or SB 200 Safe and Affordable Drinking Water funds.

2021 – Tasks 2, 3, 4, 5, 7

Staff is collaborating with Chino Basin Watermaster, DDW, local water purveyors and others to:

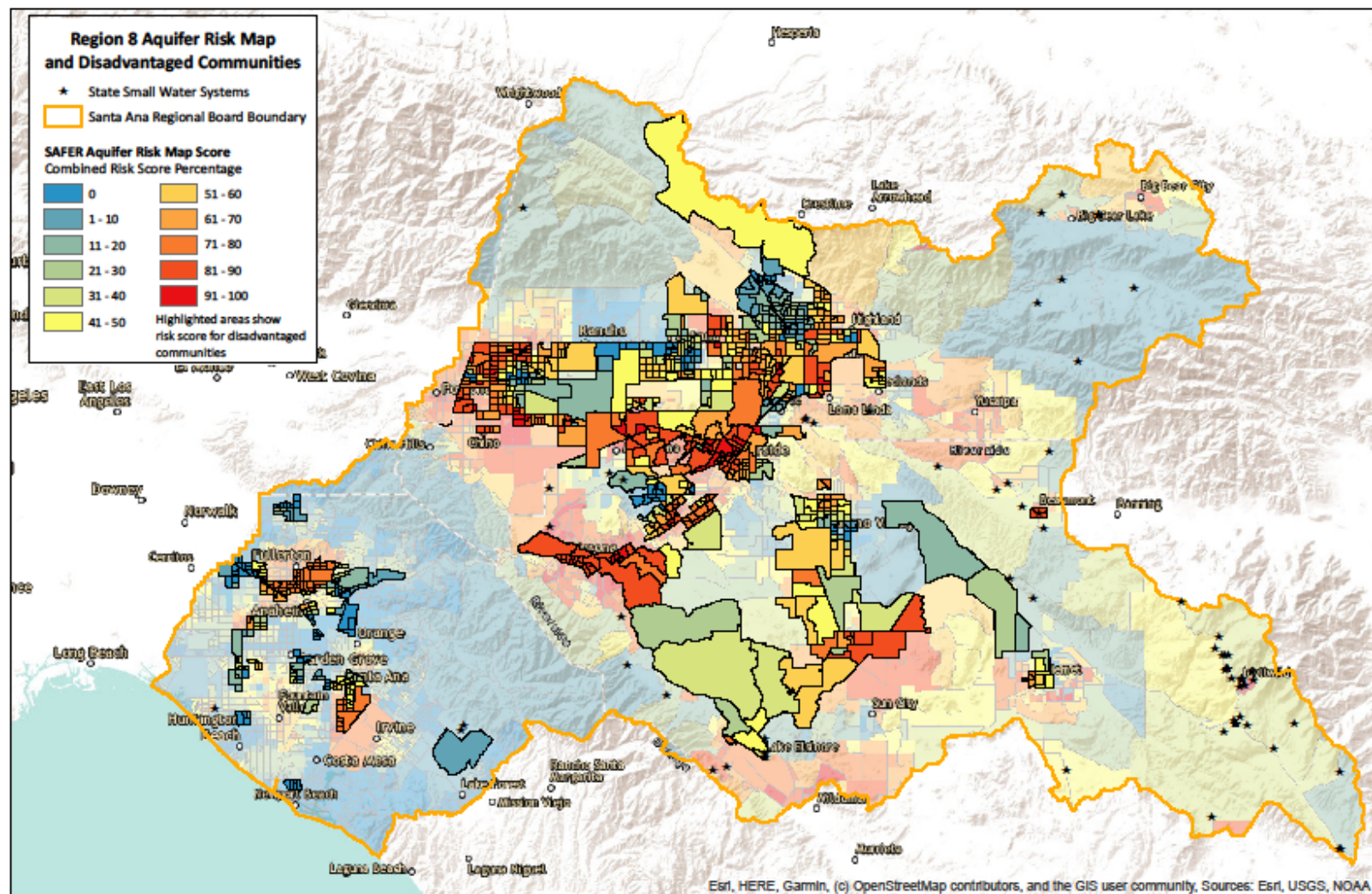
- Assemble GIS database and create maps identifying private water supply wells that are in proximity to known areas of groundwater contamination.
- Create/compile maps that depict areas of groundwater contamination, in comparison with impacts to private supply wells; prioritize Disadvantaged and Environmental Justice communities.
- Work with the Division of Financial Assistance to explore funding opportunities for replacement water for any identified impacted small water systems/private wells, and to assist with project implementation.

Since the December 2020 update, resulting from the above collaborations, staff have done the following:

- Coordinated with Chino Basin Watermaster to obtain regional water quality data including contaminant plume data and recent PFAS data
- Received updated GIS data for the South Archibald trichloro-ethylene (TCE) groundwater plume
- Updated regional state small water systems maps
- Drafted regional aquifer risk maps using Safe and Affordable Funding for Equity and Resilience (SAFER) project data (Figure 1)

Staff continue to update the GIS database with new GIS data that will be used to complete HRTW program assessments. For example, Figure 1 shows the aquifer risk map for Region 8 using the SAFER Aquifer Risk Map (SWRCB, 2021). The aquifer risk map is a tool intended to help identify areas where domestic well users and state small water systems may be accessing groundwater that does not meet primary drinking water standards. The relative risk of groundwater in an area not meeting primary drinking water standards is ranked by percentile; groundwater with lowest risk is shown as blue, groundwater with highest risk is shown as red.

In December 2021, an end of year report will be presented in accordance with Task 8, Year 2 of the Work Plan.



Santa Ana Regional Water Quality Control Board
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0 2.5 5 10 15 20
 Miles

Region 8 Aquifer Risk Map (SWRCB, SAFER)
 Executive Officer's Report Update- Human Right to Water Resolution

Figure 1

2. Unsheltered Communities Update

At the March 2021 Board meeting, the Santa Ana Water Board heard from representatives of both Riverside and San Bernardino counties about each of their county's efforts to address bacterial indicators exceedances in the Santa Ana River in order to address compliance with the Middle Santa Ana River Bacterial Indicator Total Maximum Daily Load (TMDL) adopted in 2005 ([Resolution R8-2005-0001](#)). Part of each county efforts have been directed at the control of waste discharges from unsheltered communities along and adjacent to the Santa Ana River and tributaries.

At the March 2021 Board meeting, Santa Ana Water Board members asked a number of questions of the county representatives; Board staff coordinated with the counties to obtain responses to those questions as reflected below.

- A. Where are the large concentrations of unsheltered people in San Bernardino County? (Board Member Rivera)

San Bernardino County

There are encampments between Waterman Ave. and the 210 Freeway in Highland, as well as in the area between Waterman Ave. and Tippecanoe Ave. in San Bernardino, and at the conjunction of Cooley Drive with the embankments of the Santa Ana River in Colton. San Bernardino County has a major ongoing effort for trash removal from these areas. For example, 100 5-gallon buckets of waste were removed from an area between E Street and Waterman Ave. There are also encampments at City Creek, generally in vegetated areas where there are trees and access to water. Encampments are also located behind the San Bernardino County Hall of Records.

Riverside County

County staff noted that unsheltered individuals crisscross/migrate back and forth across the Riverside/San Bernardino County line. Bike trails and hiking trails in both counties are affected by the presence of unsheltered encampments. Drone mapping was completed in 2018 to survey unsheltered community encampments within the Santa Ana River.

- B. Is there an agency that tries to house unsheltered persons during cleanup of the encampments? And where do they go? (Board Member Ruh)

San Bernardino County

The four Deputies from the San Bernardino County Homeless Outreach and Proactive Enforcement (HOPE) team typically arrive at the encampments before the Flood Control staff arrive for clean-up. Flood Control staff (Operations Division) conduct the encampment cleanups in Flood Control facilities. Services are offered, but there is no enforcement at that time. Some of the unsheltered persons move out of the way temporarily during a cleanup, and then move back. Deputies are present

at the encampments (i.e., visit) repeatedly throughout the year. More information may be found on the HOPE Program website:

<https://wp.sbcounty.gov/sheriff/programs/h-o-p-e/>

Riverside County

There are dedicated teams for outreach to the unsheltered community. There is an inventory of housing resources, emergency shelters and "rapid rehousing" opportunities with willing landlords. Not all unsheltered individuals can/will take advantage of these resources.

- C. Please provide details for the two Counties' process for outreach to the unsheltered prior to cleanups. (Chairperson Peterson).

San Bernardino County

As stated in the previous response, the San Bernardino County HOPE team does outreach in advance, offering services to the unsheltered before the Flood Control staff start the cleanup of an encampment.

The HOPE Team does "constant contact" with the unsheltered, visiting each person several times throughout the year, even if no pending clean-ups will be happening. Services are always offered at each HOPE visit. If a clean-up is planned, the HOPE Team accompanies Flood Staff during postings (the "72-hour notice"). Code Enforcement staff sometimes conduct postings.

San Bernardino County Flood Control gives a "72-hour notice," but cleanup is usually 5 to 7 days later. Encampment location data is stored in GIS (Homeless "Point in Time Count" data is not). More information may be found on the HOPE Program website: <https://wp.sbcounty.gov/sheriff/programs/h-o-p-e/>

Riverside County

Riverside County gives up to 2 months advance notice before an encampment cleanup. During this period, staff tries to connect people with services ("Project RoomKey"). As the cleanup date approaches, a 72-hour written notice is posted (bilingual). For example, seven weeks advance notice was given to the unsheltered community before the Hole Lake cleanup was conducted. A cleanup effort in the Santa Ana Riverbed is planned for October 2021.

Riverside County has a GIS database that includes encampment locations and other specific details. Riverside County Flood Control has previously provided GIS information and shapefiles to Santa Ana Water Board staff for use in mapping related to the Human Right to Water Resolution R8-2019-0078.

- D. Are the unsheltered persons provided with advance information about services that will be provided when the cleanup operations take place? (Board Member Ruh)

San Bernardino County

Prior to large cleanup operations, Department of Behavioral Health staff are on site offering services at the time of the cleanup notice posting. Posting signs also indicate "Call 211" or "Call HOPE Team" for services. Some individuals have ongoing mental health and drug issues. People move just outside of the noticed cleanup area, and thereby refuse services. As stated in response to Question B, HOPE deputies are constantly visiting encampments throughout the year and offering services.

Riverside County

Riverside County conducts "resource fairs" for unsheltered persons in advance of cleanup operations. It is difficult to provide large-scale services at the time of encampment cleanup activities. Many unsheltered individuals have insufficient income or background checks reveal an issue which can be a barrier to obtaining rental housing.

Closing points – Some individual cities also address unsheltered communities independently, or in conjunction with counties. For example, the City of Riverside has a large effort to address unsheltered communities.

Contact Information – additional information can be obtained from the following contacts:

San Bernardino County:

Sheriff's Department
Homeless Outreach and Proactive Enforcement (HOPE) Program
Main: (909) 387-0623
Deputy Mike Jones
Email: mjones@sbcasd.org

Department of Public Works
Environmental Management Division
Main: (909) 387-8109
Mindy Davis, Supervising Planner, Environmental Planning – Maintenance
Email: Mindy.Davis@dpw.sbcounty.gov
Arlene Chun, Supervising Engineer/Stormwater Program Manager, NPDES
Email: Arlene.Chun@dpw.sbcounty.gov

Riverside County:

Housing Authority of the County of Riverside
The Housing, Homelessness Prevention and Workforce Solutions (HHPWS)
Department
Tanya Torno, Deputy Director, Continuum of Care
Email: TTorno@rivco.org
Jamie Gibson, Interim Senior Program Specialist, Continuum of Care

Email JGibson@rivco.org

Riverside County Flood Control & Water Conservation District
Watershed Protection Division
Main: (951) 955-1200
Amy McNeill, Senior Civil Engineer, Water Quality Compliance
Email: ammcneil@rivco.org
Andrea Macias, Associate Civil Engineer, Water Quality Compliance
Email: ALMacias@rivco.org

3. Implementation Status of the Water Boards Cannabis Regulatory Program in the Santa Ana Region.

I last provided an update of the Cannabis Regulatory Program in my [February 7, 2020](#) Executive Officer's Report. As a reminder, the State Water Board adopted the Cannabis Cultivation Policy – Principles and Guidelines for Cannabis Cultivation in 2017 (amended in April 2019). The Cannabis Policy establishes requirements for the diversion and use of water, land disturbances, and discharges of waste related to cannabis cultivation. The requirements are intended to minimize deleterious effects of cannabis cultivation activities on fisheries, wildlife, and water quality; maintain healthy riparian corridors; and protect springs, wetlands, and aquatic habitat.

The South Coast Cannabis Unit is based at the Santa Ana Water Board office in Riverside and serves the Santa Ana, Los Angeles, and San Diego Regional Water Boards. The mission of the Cannabis Unit is to implement the Water Boards' Cannabis Cultivation Program by enrolling and regulating licensed cannabis cultivation operations, and by preparing enforcement actions against noncompliant and/or illicit cannabis cultivations.

This report provides an update on implementation of the Cannabis Program in the Santa Ana Region three years after inception and summarizes the activities of South Coast Cannabis Unit staff during that time.

Statewide Program Changes

In March 2020, normal workflow was impacted by the COVID-19 pandemic and, in compliance with guidance from the State Water Board, South Coast Cannabis Unit staff began teleworking and limiting in-field inspections.

In July 2020, statewide program budget shortfalls resulted in an approximate 50% reduction of State and regional Cannabis Program staff. The South Coast Cannabis Unit was reduced more than the 50% statewide average, from seven total staff positions (five of which were filled) down to two total staff positions. Three staff from the South Coast Cannabis Unit were permanently redirected to other programs in the Santa Ana Region, and two vacancies were put on hold. Two staff remain in the South Coast

Cannabis Unit, and again, these two staff provide program oversight for the Santa Ana, Los Angeles and San Diego Regional Water Boards.

In response to the Program's reduction in staff, at the direction of the State Water Board, several changes have been made at both the State and regional level, to reduce Cannabis Program scope and to prioritize efforts to increase Cannabis Program enrollment and to address adverse water quality and water supply impacts from illegal cultivation through enforcement.

Enrollment

The South Coast Cannabis Unit has received applications for coverage under the statewide General Order from 629 total commercial cannabis cultivators in the Santa Ana, Los Angeles, and San Diego Regions. Notices of Applicability (NOAs) serves as proof of enrollment and coverage under Waste Discharge Requirements (WDRs) or a Waiver of WDRs. NOAs have been issued to 607 of those cultivators in the three regions. NOAs for the remaining applicants are pending payment, review, and approval.

Of the 629 applications received, 57 are within the Santa Ana Region, which is nearly double the number of enrollments from 2020. All but four of the enrollees in the Santa Ana Region are indoor cultivations who have been issued Waivers of WDRs, and over 65% of the 57 new permitted cultivations are in the cities of Santa Ana, Perris, or Lake Elsinore. Still, the limiting factor for the number of enrollments in the Santa Ana Region is a lack of cultivation permits issued by local governments, and the outright prohibition of commercial cultivation within many local jurisdictions.

The following table summarizes the enrollments in the Santa Ana Region as well as the San Diego and Los Angeles regions for which the two South Coast Cannabis staff provide oversight.

Region	Active Applications	NOAs Issued	Withdrawn or Terminated
Los Angeles	540	524	60
Santa Ana	57	54	8
San Diego	32	29	6
Total	629	607	74

Many cities and counties in southern California continue to prohibit the commercial cultivation of cannabis. However, South Coast Cannabis Unit staff expect enrollments to increase steadily over time as jurisdictions with existing ordinances continue to issue permits, and as other jurisdictions draft their own cultivation ordinances and regulations, as occurred in Ventura and San Diego Counties this year.

Unit staff regularly participate in public outreach events, give presentations at industry

group meetings and conferences, and give presentations at local government meetings and regulatory conferences, in cooperation with other licensing and permitting agencies such as California Department of Food and Agriculture and the California Department of Fish and Wildlife.

Compliance

As part of the strategy to manage Cannabis program oversight with reduced staffing, the South Coast Cannabis Unit was directed to de-prioritize enforcement of permitted cultivations and de-prioritize compliance assessment and inspection of enrolled sites. From January 2020 through March 2020, prior to COVID-19 impacts to workflow and staff reductions, South Coast Regional Cannabis Unit staff, conducted 19 compliance inspections all within the Los Angeles Region. All violations noted by staff during these inspections were corrected voluntarily by dischargers and no formal civil administrative enforcement actions for non-compliance have been initiated at this time.

No compliance assessment inspections have been conducted since March 2020. None are planned through at least January 2022, when the program will reassess performance metrics and determine if changes are necessary.

Enforcement

Unauthorized discharge of waste and diversion of surface water without an appropriative water right or small irrigation use permit documented by regional Cannabis Unit staff are violations of the Water Code and may be cause for civil administrative enforcement action by the State Water Board - Division of Water Rights. Investigating unauthorized discharges of waste, including pesticides, nutrients, and sediment, as well as surface water diversions associated with cannabis cultivation in the South Coast Region is the responsibility of the Cannabis Unit.

From March 2020 to May 2021, South Coast Regional Cannabis Unit staff, conducted 63 search warrant inspections and documented environmental violations at illicit cultivation sites with State and local law enforcement agencies. The illicit site inspections were in both the Santa Ana Region and the San Diego Region - 16 and 47 sites respectively.

The South Coast Cannabis program staff have been directed by the State Water Board to reduce the backlog of enforcement actions initiated prior to December 2020, and to prioritize future enforcement efforts, including future inspections, to targeted watersheds and sites with the greatest threats to water quality, public health, or water supply. As such, the South Coast Cannabis Unit has administratively closed a backlog of approximately 200 potential enforcement sites where inspections were conducted prior to March 1, 2021. The remaining sites that represented the greatest threat to water quality, public health, or water supply, and/or are within priority watersheds are slated for enforcement action.

South Coast Cannabis Unit staff continue to actively participate in several ongoing joint-

agency cooperative efforts to address illegal cultivation in areas where cannabis cultivation is prohibited. These include the San Diego Integrated Narcotics Task Force, the Riverside County Cannabis Regulatory Task Force, and various other County environmental health strike forces.

4. Newport Bay *Caulerpa prolifera* Infestation

In March 2021, a highly invasive algal species was discovered in Newport Bay. The alga, which is native to Florida and other subtropical and tropical locales, is scientifically known as *Caulerpa prolifera*. It can grow quickly, choking out native seaweeds and potentially harming marine life through lost habitat. Federal, State, and local agencies, as well as non-governmental organizations, have been meeting and working quickly to identify the extent of the alga's infestation in Newport Bay and to find funds for eradication of the known occurrence in China Cove, located in the Newport Bay entrance channel. The California Department of Fish and Wildlife (CDFW) initiated diver surveys to begin documenting the extent of the infestation. Santa Ana Water Board has been coordinating with U.S. Army Corps of Engineers, NOAA Fisheries, CDFW, California Coastal Commission, California State Lands Commission, CalEPA, State Water Board, Orange County Parks, City of Newport Beach, and Orange County Coastkeeper and assisted in reactivating the Southern California Caulerpa Action Team. The Santa Ana Water Board staff also has been able to secure funds in the amount of \$308,000 from the State Water Board's Cleanup and Abatement Account to initiate eradication efforts. A similar, highly invasive species, *C. taxifolia*, was identified in 2000 in Huntington Harbour and Agua Hedionda Lagoon and took 6 years and more than \$7.7M to eradicate.